

Hallauer, Lori

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**From:** Jim Ford [jf@mtenvironmentaltrust.org]  
**Sent:** Monday, July 01, 2013 12:04 PM  
**To:** Burns, Betsy; Denise Kirkpatrick (MDEQ); Breeden, Randy; Figur, Charles  
**Cc:** Cindy Brooks (METG); Marc Weinreich (METG); Garrett Thompson (METG); Rob Collins (MDOJ)  
**Subject:** East Helena - May 2013 RCRA Monthly Progress Report  
**Attachments:** East Helena - May 2013 RCRA Monthly Progress Report (jf).docx

At the request of EPA attached is the **May 2013 RCRA Monthly Progress Report** for the former Asarco site in East Helena, Montana. A hard copy of the report has been sent via Certified Mail to those addressed and copied in the report.

Please feel free to contact me with any questions.

Sincerely,

Jim

**Jim Ford**  
**East Helena Remedial Project Manager**  
*Montana Environmental Trust Group, LLC (METG)*  
*Trustee of the Montana Environmental Custodial Trust*  
*P.O. Box 1230,*  
*East Helena, Montana 59635*  
[www.mtenvironmentaltrust.org](http://www.mtenvironmentaltrust.org)

406.227.3734 (office)  
406.439.2108 (cell)  
[jf@mtenvironmentaltrust.org](mailto:jf@mtenvironmentaltrust.org)

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Montana Environmental Trust Group, LLC  
Trustee of the Montana Environmental Custodial Trust  
PO Box 1230, East Helena, Montana 59635  
Telephone: (406) 227-1242

July 1, 2013

Betsy Burns  
RCRA Project Officer  
EPA Region VIII  
Montana Office  
10 West 15th St., Suite 3200  
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During May 2013

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of May 2013 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
<b>I. RCRA Corrective Action</b>			
<b>A. Investigations, Studies, Analyses and Data Collection</b>			
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.
2.	FSAP	During Period	Hydrometrics continued reviewing data from 2012 and April 2013 for trends and anomalies.
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.
4.	Upper Lake Aquifer Test	During Period	Monitoring of groundwater elevations and water quality impacts from the Upper Lake Test continued during the reporting period.
5.	GW Model	During Period	Work scope development for the Solute Transport Model Development and calibration.
6.	Database Management	During Period	Linda Tangen continued working on April 2013 EH Spring Surface and Groundwater Monitoring events.
7.	Project Management	During Period	No significant project management activities occurred during the reporting period.
<b>B. Interim Measures</b>			
1.	SPHC IMs	5/1/13	CT personnel received the NW Energy substation PCB sampling results from Hydrometrics.
		5/1/13	The CT received the COEH waterline easement description from MMI. Final utility easement descriptions were provided to the CT by MMI on May 7.
		5/13/13	CT personnel met with CenturyLink to finalized the phone line installation schedule for the East Bench.
		5/21/13	Hydrometrics informed the CT of a second well located near Air Liquide that will need to be abandoned before the beginning of the PPC Bypass.
		5/21/13	The CT received an ACM survey for the EH city well house from Hydrometrics.
		5/23/13	Helena Sand and Gravel completed cleanup at the Manager's house outbuildings after demolition was completed.
		5/31/13	Hydrometrics provided the CT with the East Bench soil testing results.
		5/31/13	Helena Sand and Gravel signed a contract with CH2MHill for the PPC Bypass channel construction.
		During Period	PPC Bypass Construction: <ul style="list-style-type: none"> <li>Set up project in management and tracking database (Oracle)</li> <li>Prepare and award Helena Sand &amp; Gravel Subcontract</li> <li>Attend weekly coordination calls</li> <li>Prepare Project Instructions</li> </ul>
		During	PPC Realignment:

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
		Period	<ul style="list-style-type: none"> <li>Weekly team teleconferences; 30% design review with Doug Martin/NRDP; EHECTIC meeting in Helena; organized and led Pre-Application meeting, with DNRC, FWP, USACE, LCCD, DEQ, USFWS, and HWQPD in attendance.</li> <li>Preparation of schedule updates; EAC/ETC projections; review of subcontractor invoices and work task documentation; preparation of invoices; participation in weekly team management calls.</li> <li>Coordination of PPC permitting activities among the various site projects; coordination between CT and subs on interrelationships and impacts of groundwater, Tito Park removal, and PPC Realignment.</li> </ul>
		During Period	Phase 1 Demo: <ul style="list-style-type: none"> <li>Review submittals and update submittal register</li> <li>Attend weekly coordination meetings with Blaine Cox and Mark Rhodes</li> <li>Quality and safety oversight of onsite operations</li> <li>Construction management oversight/coordination of Envirocon demolition activities</li> <li>Daily and weekly reporting</li> <li>Attend weekly coordination calls</li> <li>Continue demolition activities inside OSHB</li> <li>Complete demolition of Barnum and Bailey Structures</li> <li>Continue loading and transport of recycle material (~425 tons)</li> <li>Segregate materials for future transport to CAMU</li> <li>Characterize wastes</li> <li>Remove LBP and universal wastes</li> <li>Demolished Sampling and crushing building</li> <li>Started cutting up railroad crane</li> <li>Demolished truck scale, filled pit</li> <li>Installed new bridge deck at Smelter Dam</li> </ul>
		During Period	Phase 2 Demo: <ul style="list-style-type: none"> <li>Receive and review bids</li> <li>Prepare bid evaluation and present to the Custodial Trust</li> <li>Receive Custodial Trust approval of recommendation for use Envirocon for the Phase 2 demo</li> </ul>
		During Period	Utility Relocation: <ul style="list-style-type: none"> <li>Coordinated utility easement exhibit submittal</li> <li>MMI completed utility easement exhibits</li> </ul>
		During Period	COEH Waterline: <ul style="list-style-type: none"> <li>Prepare submittals</li> <li>Submittal review</li> </ul>

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
			<ul style="list-style-type: none"> <li>• Inspection</li> <li>• Attend weekly coordination meetings with Helena Sand and Gravel, Blaine Cox and Mark Rhodes</li> <li>• Mobilization Training</li> <li>• Review submittals and respond with comments/approve. Update submittal register</li> <li>• Provide construction oversight</li> <li>• Prepare and submit to Custodial Trust April invoice and MSR</li> <li>• Mobilization</li> <li>• Install BMPs per the SWPPP</li> <li>• Trench and install ~4,900 LF of water line</li> <li>• Abandon sewer</li> <li>• Install hydrants and valves</li> <li>• Restore Smelter Dam Road</li> <li>• Prepare for jack and bore</li> <li>• Locate utilities along jack and bore route</li> <li>• Coordination W/ COEH on RR permit</li> </ul>
		During Period	Corrective Measures Study: <ul style="list-style-type: none"> <li>• Completed TM on the approach to soil removal evaluations, and submitted to the CT for review</li> <li>• To support the soil removal alternatives evaluation, used the MVS model to prepare maps of arsenic contamination in soil, by depth slices. The maps were generated based on an action level of 40 mg/kg for arsenic, as recommended by MDEQ. Generated preliminary excavation volumes corresponding to the 'orange' color-coded concentration range. Prepared a slightly revised Tertiary ash/clay layer surface, which represents the lower limit of the MVS model domain.</li> <li>• Initiated preparation of the CMS Work Plan Update.</li> </ul>
			Conceptual Site Models: <ul style="list-style-type: none"> <li>• Addressed senior review comments and issued the Draft Tito Park CSM deliverable to the CT on 5/22.</li> <li>• Reviewed existing lithologic data published in the Phase II RFI Report and logs of newly-installed piezometers on the East Bench to prepare a revised Tertiary ash/clay surface.</li> </ul>
		During Period	Hydrometrics drilled two new piezometers for use in monitoring water levels during the PPC Bypass construction.
2.	ET Cover System IMs	5/21/13	The CT and CH2MHill inspected the drain holes in the OSHB floor for compliance.
		5/29/13	The CT reviewed all Phase 2 demolition bids with CH2MHill and determined EnviroCon was the lowest and most qualified bidder.
		5/31/13	EnviroCon requested to place the canvas covering from the Barnham and Bailey buildings in the CAMU.
		During Period	ET Cover: <ul style="list-style-type: none"> <li>• Completed alternative evaluation TM</li> </ul>

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
			<ul style="list-style-type: none"> <li>Completed draft HYDRUS TM and submitted to CT for quality review.</li> <li>Completed draft 100% test plot design and submitted to CT for quality review.</li> <li>Met with CT technical reviewers to coordinate quality review.</li> <li>Began addressing CT test plot review comments.</li> <li>Completed 15% grading plan for site-wide ET cover.</li> <li>Met with Montana Rail Link (MRL) to coordinate rail spur layout with 30% design of the ET cover.</li> </ul>
3.	Source Removal IMs	During Period	Source Removal IM: For the Tito Park grading evaluation: <ul style="list-style-type: none"> <li>Finalized the Tito Park grading evaluation TM and submitted to the CT for review on 5/9.</li> </ul> Continued to coordinate with the PPC Realignment team on integration of the 60% PPCR Design with the preferred grading concept at Tito Park.
		During Period	Hydrometrics conducted PCB soil sampling and preliminary review on the data created.
4.	IM Work Plans	During Period	<ul style="list-style-type: none"> <li>Initiated planning efforts on IMWP 2014.</li> </ul>
5.	RCRA Team Support	During Period	GW Flow/Transport Modeling: <ul style="list-style-type: none"> <li>Continued to coordinate NewFields' modeling efforts to support evaluations of the effects of implementing the SPHC IM.</li> <li>Reviewed results of preliminary particle tracking analysis provided by NewFields. The analysis, consisting of releasing particles from various plant site source areas and features, was performed in support of the soil removal evaluations.</li> <li>Reviewed water levels and lithology data using logs of piezometers and test pits installed along the East Bench. The review was performed to evaluate potential dewatering needs during construction of the PPC Bypass.</li> </ul>
6.	General (Programmatic) IMs	During Period	<ul style="list-style-type: none"> <li>Communicated plans for distribution line relocation with NW Energy. Received revised NW Energy proposal for completing engineering and construction of the relocated distribution line</li> <li>Prepared easement legal descriptions for utilities per request of CT.</li> </ul>
		During Period	<ul style="list-style-type: none"> <li>Prepare weekly and monthly reports for submittal to CT.</li> <li>Attended monthly project controls summary meeting with the CT.</li> <li>Attend weekly meetings with CT</li> <li>Hold weekly meetings with task leads</li> </ul>
7.	Project Management	5/3/13	The CT met with Hydrometrics to discuss insurance, Phase 2 and Phase 3 construction management.
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.
C.	CMS		

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site**  
**May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
A.		During Period	<p>Corrective Measures Study:</p> <ul style="list-style-type: none"> <li>Completed TM on the approach to soil removal evaluations, and submitted to the CT for review on 5/10.</li> <li>To support the soil removal alternatives evaluation, used the MVS model to prepare maps of arsenic contamination in soil, by depth slices. The maps were generated based on an action level of 40 mg/kg for arsenic, as recommended by MDEQ. Generated preliminary excavation volumes corresponding to the 'orange' color-coded concentration range. Prepared a slightly revised Tertiary ash/clay layer surface, which represents the lower limit of the MVS model domain.</li> <li>Initiated preparation of the CMS Work Plan Update.</li> </ul>
<b>II. Beneficiary/Stakeholder Communications</b>			
A.	Beneficiary Communications	5/6/13	30% PPC Realignment - State Comment Review Meeting
		5/21/13	Monthly EPA/CT Project Review Meeting
		5/31/13	PPC Realignment - Joint Application 2 Pre-App Meeting
B.	Stakeholder Communications	5/30/13	EHECTIC Meeting on Project Update and 30% PPC Design
<b>III Site Management &amp; Operations</b>			
A.	Site-Wide Health & Safety/Regulatory Compliance	5/7/13	M. Rhodes changed the semi-annual blood lead requirements to an annual blood lead requirement due to low exposure to metals for facility dedicated contractors. Rhodes will revise the blood lead frequency in the HASP.
		5/29/13	CDM Smith will provide a SOW to review the EH SWPPP.
		During Period	AMEC (Kirk Eakin) monitored site property for migratory bird nesting activity and reported all activity to the CT in coordination with the Migratory Bird Treaty Act (MBTA).
		During Period	<ul style="list-style-type: none"> <li>EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs.</li> <li>EH personnel removed debris from Smelter Dam and the diversion structure.</li> </ul>
B.	Site Security	5/9/13	The CT provided a HDS door key to the EHFD for emergency response requirements and to comply with the insurance underwriter's concerns.
		During Period	EH personnel performed security checks at the manager's house outbuildings while the area is being prepared for demolition.
C.	Plant Operations	5/1/13	EH personnel installed the potable water booster pump and pressure tank in the bathhouse and also checked the bathhouse sump pumps to ensure they weren't overflowing.
		During Period	<p>EH personnel performed potable water activities near the Bathhouse, including:</p> <ul style="list-style-type: none"> <li>moving the insulated blue tank to the Bathhouse for potable water storage and installing the potable water booster pump and pressure tank in the Bathhouse.</li> <li>Installing a water line from the modular office building to the bathhouse potable water tank to be used for shower water. They also installed a potable water booster pump and pressure tank, then test ran the system and adjusted the level indicator.</li> <li>Labeling the HDS plant with "Non-potable water inside building" signs</li> </ul>



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May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
			<ul style="list-style-type: none"> <li>Installing a fitting on the potable water tank for chlorine tablet addition</li> </ul>
		5/21/13	EH personnel set up a water tank and pump in the Chevy site truck to be used for hauling water to the HDS plant.
		5/23/13	EH personnel repaired a leak on the COEH waterline into the Bathhouse.
		5/29/13	EH personnel prepared for the Phase 2 demolition by removing all fire extinguishers and padlocks from all the buildings slated for demolition, as well as the remaining spill cleanup materials from the Zinc Plant pump house.
		5/31/13	Buchanan Spray Service will schedule site weed spraying for next week.
D.	Stormwater Management	5/1/13	EH personnel pumped Thornack Tank and the secondary containment system and added bleach to disinfect all the HDS vessels.
		5/9/13	The CT discussed proper methods for calculating effluent loading for the DMR reporting with MDEQ (Pete Boettcher). Mr. Boettcher instructed the CT to calculate the loading as per an email Hydrometrics received from Kari Smith outlining the correct method. Mr. Boettcher also instructed the CT to copy Smith's email and place in a file for future reference.
		5/13/13	Hydrometrics submitted a revised HDS turbidity SOW which includes a Phase 2 sampling plan.
		5/15/13	The CT submitted a revised October 2012 DMR and hand delivered to MDEQ.
		5/16/13	The CT submitted the April 2013 DMR for the HDS Water Treatment Plant.
		5/23/13	EH personnel pumped the Thornack secondary containment and Tank Farm secondary containment, as well as troubleshoot the Rodeo Tank discharge line, cracking the valve for venting.
		5/28-30/13	EH personnel prepared for running the HDS plant by pumping all stormwater from the site to the Tank farm, doing a test run of the HDS plant equipment and mixing reagents.
E.	Documents & Records	During Period	No significant document and records activities occurred during this reporting period.
F.	Water Rights	During Period	No significant water rights activities occurred during this reporting period.
G.	Other Property Management	During Period	No significant other property management activities occurred during this reporting period.
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.
<b>IV Property Use/Development</b>			
A.	Agricultural Leases	5/2/13	CT personnel met with Gary Burnham to discuss irrigation water and grazing.
		5/10/13	FenceCrafters completed the boundary fence on the Kleffner property line.
		5/13/13	Prickly Pear Simmental Ranch began grazing East Fields as a form of fire protection to CT property.
		5/15/13	The CT received a cost comparison between electric and diesel irrigation water pumping for Burnham's irrigation water.
B.	Community Land Uses	5/1-2/13	The L&CC Sheriffs Department performed explosive entry training on the Manager's house outbuildings prior to demolition of the buildings.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
May 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>
		5/11/13	The EHFD conducted a controlled burn on the remaining Manager's outbuildings. All remaining structures were burned to the ground.
		During Period	Helena Sand and Gravel cleaned the site of the Manager's outbuilding burn. Materials were placed in roll-off containers and hauled away.
C.	Redevelopment & Property Sale	During Period	No significant redevelopment and property sale activities occurred during this reporting period.
D.	Slag Re-Processing	5/1/13	MT Washington Minerals contacted the CT with interest in gathering samples of slag for reprocessing. The CT provided a sample of unfumed slag for analysis.
		5/29/13	Ashgrove requested a meeting with the CT to discuss a long term slag purchase agreement.
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.
<b>V. CT Operations &amp; Financial Affairs</b>			
A.	Personnel & Office Operations	During Period	No significant personnel and office operations activities occurred during this reporting period.
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems.
<b>VI. Upcoming Activities</b>			
		6/18/13	Monthly EPA/Custodial Trust Project Review Meeting

<sup>i</sup> See Attachment I for a list of acronyms used in the weekly progress reports.

**Section 3. Describe and estimate the percentage of studies completed.**

No projects or studies were completed in May 2013.

**Section 4. Describe Actions being taken to address problems.**

There were no actions required to address problems associated with the Decree.

**Section 5. Identify changes in key personnel during the period.**

None during the reporting period.

**Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.**

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

Montana Environmental Trust Group, LLC  
Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust  
By: Greenfield Environmental Trust Group, Inc., Member  
By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ  
Randy Breeden - EPA 8  
Chuck Figur - EPA 8

CERTIFICATION  
PURSUANT TO U.S. v ASARCO INCORPORATED  
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Montana Environmental Trust Group, LLC  
Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust  
By: Greenfield Environmental Trust Group, Inc., Member  
By: Jim Ford, Duly Authorized Owner Representative

## Attachment I

### Montana Environmental Custodial Trust Monthly Progress Report East Helena (EH) Site Acronyms

Acronyms	
AL	Air Liquide
BOH	Board of Health (Lewis & Clark County)
CD	Consent Decree
Chemet	American Chemet
CLOMR	Conditional Letter of Map Revision
CMS	Corrective Measures Study
CT	Custodial Trust
DMRs	Discharge Monitoring Reports
EAP	Emergency Action Plan
EH	East Helena
EPA	US Environmental Protection Agency
ET	Evapo-Transpiration
FEMA	Federal Emergency Management Agency
GW	Groundwater
HASP	Health & Safety Plan
HEC-RAS	Hydrologic Engineering Centers River Analysis System
IM	Interim Measure
LL	Lower Lake
MBMG	Montana Bureau of Mines & Geology
MDEQ	Montana Department of Environmental Quality
MDOJ	Montana Department of Justice
MDT	Montana Department of Transportation
P&S	Purchase & Sale
PPC	Prickly Pear Creek
SPHC	South Plant Hydraulic Control
UL	Upper Lake
USDOJ	US Department of Justice
USFWS	US Fish & Wildlife Service
WP	Work Plan
WQPD	Water Quality Protection District (Lewis & Clark County)